



STATE OF CALIFORNIA

GAVIN NEWSOM, Governor

PUBLIC UTILITIES COMMISSION

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SAN FRANCISCO, CA 94102-3298

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June 3, 2022

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Ratesetting

TO PARTIES OF RECORD IN RULEMAKING (R.) 08-08-009; R.11-05-005:

This is the proposed decision of Administrative Law Judges Manisha Lakhanpal and Nilgun Atamturk. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's July 14, 2022 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties of record may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

The Commission may hold a Ratesetting Deliberative Meeting to consider this item in closed session in advance of the Business Meeting at which the item will be heard. In such event, notice of the Ratesetting Deliberative Meeting will appear in the Daily Calendar, which is posted on the Commission's website. If a Ratesetting Deliberative Meeting is scheduled, *ex parte* communications are prohibited pursuant to Rule 8.2(c)(4).

/s/ S. PAT TSEN for

Anne E. Simon

Chief Administrative Law Judge

AES:jnf

Attachment

Decision **PROPOSED DECISION OF ALJ LAKHANPAL AND
ALJ ATAMTURK (Mailed 6/3/2022)****BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Continue Implementation and Administration of California Renewables Portfolio Standard Program.	Rulemaking 08-08-009
Order Instituting Rulemaking to Continue Implementation and Administration of California Renewables Portfolio Standard Program.	Rulemaking 11-05-005 (Not Consolidated)

**DECISION DENYING PETITIONS TO
MODIFY DECISION 10-12-048****Summary**

This decision denies two petitions for modification of Decision (D.) 10-12-048 related to potential security issues associated with making certain transmission and distribution system information available to the public. In D.10-12-048, the Commission adopted the renewable auction mechanism (RAM) to provide opportunities for development of small renewables portfolio standard (RPS) projects. In two separate petitions to modify D.10-12-048, three investor-owned utilities assert that, for security reasons, this system information should be

treated as confidential and should not be made available to the public. Because RAM has now been operating for approximately a decade with the transmission and distribution system information already made available to the public, there are now other proceedings in which the Commission has required public disclosure of the same or similar information, and no valid security concerns have been demonstrated that warrant modification of D.10-12-048, we dismiss the petition of Southern California Edison Company for modification of D.10-12-048, filed on December 16, 2011 in R.08-08-009, and the petition of Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Company for modification of D.10-12-048 and Resolution E-4414, filed on December 10, 2018 in R.11-05-005, as moot.

R.08-08-009 is closed.

1. Background

On December 16, 2010, the Commission adopted Decision (D.) 10-12-048 establishing the Renewable Auction Mechanism (RAM). RAM is a market-based procurement mechanism for renewable distributed generation projects.

To support growth of small renewable distributed generation, in D.10-12-048, the Commission:

1. Directed the investor-owned utilities (IOUs) to provide the “available capacity” at the substation or circuit level in map format;¹
2. Directed the IOUs to provide the data at the most detailed level feasible, and work to increase the precision of the information over time;
3. Allowed the IOUs to provide this data initially for preferred areas, which is defined as “likely to be those near

¹ “Available capacity” is defined as the total capacity minus the allocated and queued capacity. (D.10-12-048 at 70-71)

- load where the IOU has a reasonable expectation of surplus transmission and/or distribution capacity;” and
4. Directed the IOUs to provide system wide information over time for both the distribution and transmission system.

Subsequently, on August 22, 2011, Commission issued Resolution E-4414 implementing D.10-12-048. Resolution E-4414 found that the maps provided by Southern California Edison Company (SCE) and San Diego Gas & Electric Company (SDG&E) to comply with D.10-12-048 did not meet the requirements. Therefore, in Resolution E-4414, Commission ordered the following:

1. In its renewable auction mechanism map, SCE shall provide the available capacity at the substation or circuit level for its preferred locations within 30 days of this resolution.
2. The investor-owned utilities shall post publicly by March 31, 2012, updated maps that cover their service territory, including both the distribution and transmission system.
3. The investor-owned utilities may require developers to register in order to access the interconnection maps as an alternative to signing a non-disclosure agreement. The investor-owned utilities shall not require signing a non-disclosure agreement to access the interconnection maps.²

On December 16, 2011, SCE filed a petition to modify D.10-12-048 (2011 Petition). On January 17, 2012, Clean Coalition, Independent Energy Producers Association (IEP), SDG&E, and Sustainable Conservation filed timely responses. SCE filed a reply to the responses on January 25, 2012.

² Resolution E-4414 at 47.

The 2011 Petition was filed within one year of the effective date of D.10-12-048 (December 17, 2010). Thus, it meets the timeliness requirement of Rule 16.4(d) of the Commission's Rules of Practice and Procedure.

The 2011 Petition seeks to modify D.10-12-048 "to prevent unrestricted public access to confidential transmission and distribution system information"³ on the following grounds:

1. Because projects using the RAM program are small-scale (less than or equal to 20 MW), SCE argued that RAM participants do not need access to maps of entire distribution and transmission system that disclose detailed information to determine feasible interconnection points. Therefore, SCE argued, the information SCE has already provided is sufficient to comply with Commission's decision and support the development of small generation.
2. SCE argued that release of confidential transmission and distribution system information can pose a serious risk to public safety and security, contrary to the Critical Infrastructure Information Act of 2002.

SCE also requested an opportunity to work with the Commission and staff to: 1) explain why transmission and distribution system information is critical information that should not be made readily available and 2) collaborate with the Commission to create a policy and procedure for releasing information that will strike the appropriate balance between supporting small renewable distributed generation and achieving critical public safety objectives.⁴

Separately, on December 10, 2018, SCE, SDG&E, and Pacific Gas and Electric Company (PG&E) filed a joint petition to modify D.10-12-048 and Resolution E-4414 (Joint PFM), arguing that changes were necessary to the

³ 2011 Petition at 1.

⁴ 2011 Petition at 5-7.

Commission's directives to ensure the physical and cyber security of the public utility electric service system. The three investor-owned utilities (IOUs) argued that access to their photovoltaic Renewable Auction Mechanism Maps (PV RAM Maps) should be limited to entities that demonstrate (1) a need to know the data illustrated on the maps; (2) an adequate level of ability to protect the data; and (3) execute an appropriate non-disclosure agreement (NDA) to limit potential dissemination of specific transmission and distribution system data.

On January 9, 2019, the Public Advocates Office at the California Public Utilities Commission (Cal Advocates) filed a response to the Joint PFM, as did Interstate Renewable Energy Council, Inc., the Solar Energy Industries Association, Clean Coalition, the California Community Choice Association, the California Solar & Storage Association and Vote Solar (collectively the "Joint Parties").

2. Discussion and Conclusion

In 2012 comments, SDG&E supported the 2011 Petition and agreed that D.10-12-048 should be modified to address scope and confidentiality issues for the reasons stated in the 2011 Petition. Other parties recommended rejecting the 2011 Petition. Specifically, referring to the maps released as part of the California Renewable Energy Transmission Initiative (RETI), Clean Coalition stated that public maps showing locations of SCE's substations are already publicly available, and that the Critical Infrastructure Information Act is not applicable.⁵ IEP argued that neither D.10-12-048 nor Resolution E-4414 required SCE to release detailed maps of the location of sensitive facilities on its distribution and transmission system. In IEP's opinion, SCE should be able to comply with the

⁵ Clean Coalition Response, January 17, 2012, at 6.

Commission's orders without disclosing critical infrastructure, similar to the other utilities.⁶ Sustainable Conservation recommended that the Commission reject the 2011 Petition or consider it in the *Order Instituting Rulemaking on the Commission's Own Motion to Improve Distribution Level Interconnection Rules and Regulations for Certain Classes of Electric Generators and Electric Storage Resources*, R.11-09-011.⁷ We note that D.16-06-052, issued in July 1, 2016, closed R.11-09-011.

In comments on the Joint PFM, Cal Advocates noted that the December 17, 2018, Administrative Law Judge (ALJ) ruling in R.14-08-013 invalidates the utilities' assertion that information related to the PV RAM Maps should be removed from the public domain.⁸ Further, as noted by the Joint Parties, "the issue for the Commission to determine is whether the Joint IOUs have demonstrated that there are new or changed facts which warrant reversal of the Commission's prior determination that the benefits outweigh the risks and thus the [RAM] maps should be available to the public without [an NDA]."⁹

We deny SCE's 2011 Petition and the 2018 Joint PFM for the following reasons:

First, Rule 16.4 (h) of Commission Practice and Procedure states that "unless otherwise ordered by the Commission, the filing of a petition for modification does not stay or excuse compliance with the order of the decision proposed to be modified. The decision remains in effect until the effective date of

⁶ IEP Response, January 17, 2012, at 4.

⁷ Sustainable Conservation Response, January 17, 2012, at 1.

⁸ Cal Advocates comments on the Joint PFM, dated January 9, 2019, at 1-2.

⁹ The Joint Parties (Interstate Renewable Energy Council, Solar Energy Industries Association, Vote Solar, Clean Coalition, California Community Choice Association, and the California Solar and Storage Association), comments on the Joint PFM dated January 9, 2019, at 1-2.

any decision modifying the decision.” SCE, PG&E and SDG&E are currently in compliance with this requirement of D.10-12-048.

Second, the RAM program to promote growth of small renewable distributed generation has now been in place for over a decade. Thus, the information already made available by SCE, PG&E and SDG&E has been sufficient to satisfy the goals of D.10-12-048 and has not resulted in any documented adverse effects to the security of the utilities’ transmission and distribution systems.

Third, as noted by Clean Coalition in its 2012 Response to SCE’s 2011 Petition, the location of substations can be readily observed and is already shown on other public documents. Moreover, as noted in Public Advocates’ Response to the Joint PFM, in the Distributed Resources Planning proceeding, Rulemaking 14-08-013, the Commission has also required that SCE, PG&E and SDG&E disclose the same or similar information, including the capacity for distributed energy resources on distribution circuits – called the Integration Capacity Analysis – in public online maps.¹⁰

Fourth, as asserted by Clean Coalition and determined in D.10-12-048, the Critical Infrastructure Information Act does not prevent public disclosure of the PV RAM Maps.

Fifth, the IOUs have not provided evidence that the information and data they are required to publicly provide related to PV RAM mapping, in compliance with D.10-12-048, results in any adverse impacts to the security of the IOUs’ transmission or distribution systems. Accordingly, we find that the Petitioners

¹⁰ See D.17-09-026, Ordering Paragraph (OP) 6; D.18-02-004, OP 2 (l.) and (m.); and Administrative Law Judge Ruling in R.14-08-013, dated December 17, 2018, paragraph 3.

have not established that purported security concerns warrant redaction, or a non-disclosure agreement, as a condition of public access to the PV RAM Maps.

Therefore, both the 2011 PFM filed by SCE and the 2018 PFM filed by the Joint IOUs are denied, and R.08-08-009 is closed.

3. Comments on Proposed Decision

The proposed decision of ALJs Manisha Lakhanpal and Nilgun Atamturk in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on _____, and reply comments were filed on _____ by _____.

4. Assignment of Proceeding

Clifford Rechtschaffen is the assigned Commissioner and Manisha Lakhanpal and Nilgun Atamturk are the co-assigned ALJs in this proceeding.

Findings of Fact

1. The Petition for Modification of Decision 10-12-048 by SCE was filed on December 16, 2011, less than one year after the effective date of that decision.

2. Decision 10-12-048 directed the IOUs to provide the "available capacity" at the substation or circuit level in map format; directed the IOUs to provide the data at the most detailed level feasible, and work to increase the precision of the information over time; allowed the IOUs to provide this data initially for preferred areas, which is defined as 'likely to be those near load where the IOU has a reasonable expectation of surplus transmission and/or distribution capacity;' and directed the IOUs to provide system wide information over time for both the distribution and transmission system.

3. Resolution E-1444 implemented D.10-12-048.
4. The Commission provided a platform and opportunity for SCE and other utilities to work through data issues related to the maps required by D.10-12-048.
5. D.10-12-048's March 31, 2012, compliance deadline has passed.
6. SCE, PG&E and SDG&E have already publicly disclosed information maps for the RAM program.

Conclusions of Law

1. The changes requested in the 2011 and 2018 Petitions no longer have practical relevance for the RAM program.
2. The Critical Infrastructure Information Act does not prevent disclosure of maps of the available capacity at the substation or circuit level.
3. The Petitioners have not demonstrated that any valid security concerns warrant modification of D.10-12-048.
4. SCE's Petition for Modification of D.10-12-048 should be denied.
5. The 2018 Joint PFM should be denied.
6. R.08-08-009 should be closed.
7. R.11-05-005 should remain open.

O R D E R

IT IS ORDERED that:

1. The Petition of Southern California Edison Company for Modification of Decision 10-12-048, filed on December 16, 2011, is denied.
2. The Petition of Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Company for Modification of Decision 10-12-048 and Resolution E-4414, filed on December 10, 2018, is denied.
3. Rulemaking 08-08-009 is closed.

4. Rulemaking 11-05-005 remains open.

This order is effective today.

Dated _____, at Los Angeles, California.